

No. 22-10310

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JAMARE COATS,

Defendant-Appellant.

D.C. No. 3:19-CR-0313-WHA-2

**Appellant's Unopposed Motion for
Extension of Time to File Opening Brief**

Appeal from the United States District Court
for the Northern District of California

Honorable William H. Alsup
United States District Judge

Elizabeth Richardson-Royer

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Attorney for Defendant-Appellant

Pursuant to Circuit Rule 31-2.2(b), Defendant-Appellant Jamare Coats requests a 5-day extension of time to file the opening brief in this appeal, to and including October 25, 2023. The opening brief is currently due October 20, 2023 after three lengthy prior extensions of time. (ECF Nos. 9, 11, 13; *see also* ECF No. 15 (consolidating appeals).) The joint excerpts of record were filed today by Mr. Coats's codefendant. (ECF No. 17.) The government does not oppose this motion.

This motion is based upon the attached declaration of counsel, all files and records in this case, and any other information that may properly be considered in connection with this motion.

Respectfully submitted,

Dated: October 20, 2023

s/ Elizabeth Richardson-Royer
Elizabeth Richardson-Royer
Attorney-at-Law

Attorney for Defendant-Appellant

DECLARATION OF COUNSEL

I, Elizabeth Richardson-Royer, declare:

1. I have been appointed under the CJA to represent Defendant-Appellant Jamare Coats in this appeal.
2. Currently, the opening brief is due October 20, 2023 after three lengthy prior extensions of time. I have worked diligently to meet the current deadline. I have prepared the Excerpt of Record, which will be jointly submitted by Mr. Coats and his codefendant, Robert Manning. I have substantially completed a draft opening brief raising six assertions of error, including a lengthy multi-part sufficiency-of-evidence claim. However, the current draft is substantially longer than permitted by the Court's rules, and I need additional time to finalize, edit, and shorten the brief so that it will best serve the Court.
3. On August 15, 2023, I was in an accident that caused injuries for which I am still receiving medical treatment and physical therapy and for which I expect to undergo surgery later this fall. Although I have been able to work since the accident, my working hours have been slightly reduced such that I have found myself running slightly behind in my estimates of when work would be completed.
4. I regret the need for this extension of time, because the Court has already granted lengthy extensions in this case, and because the case has been consolidated with Mr. Manning's appeal with a joint briefing schedule. However, because of the number of claims that will be raised in the opening brief, and because of the importance of this case given Mr. Coat's life sentence, I respectfully seek this final 5-day extension of time.

5. I am aware that the Court indicated that it did not intend to grant any further extensions of time in this case. I can assure the Court that the brief will be filed no later than October 25, 2023, if this short final extension is granted.

6. Earlier today, AUSA Matthew Yelovich notified me by email that the government does not oppose my extension request.

7. Mr. Coats is in the custody of the Bureau of Prisons.

8. All necessary transcripts have been prepared.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: October 20, 2023

s/ Elizabeth Richardson-Royer
Elizabeth Richardson-Royer